IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4331 of 2001

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MEHTA ENGINEERING AGENCY THRO'PROP.SAILESH N MEHTA

Versus

UNION OF INDIA

Appearance:
M/S TRIVEDI & GUPTA for Petitioner No. 1
MR ASIM J PANDYA for Respondents

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 30/08/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE RAVI R.TRIPATHI)

#. Draft amendment tendered by the learned counsel for the petitioner is allowed.

#. Shri Asim Pandya, learned counsel appearing for the respondents states that so far as the main grievance of the petitioner is concerned, substantive relief is already granted by the Deputy Commissioner of Customs, Air Cargo Complex, Ahmedabad, and what survives now is only the question of demurrage / warehousing charges and other charges related thereto. According to the petitioner, the same are not payable in view of the Judgment dated 10.4.2001 of the Apex Court in Civil Appeal No.2681 of 2001 and allied matters.

#. The learned counsel for the petitioner submitted that he has already filed a representation dated 26th June, 2001, a copy of which is produced along with the draft amendment at Annexure-H, which is yet to be considered by the Deputy Commissioner of Customs, Air Cargo Complex, Ahmedabad.

#. In the facts of the case, it is directed that the Deputy Commissioner of Customs, Air Cargo Complex, Ahmedabad, shall decide the aforesaid representation of the petitioner after taking into consideration the Judgment of the Apex Court referred to hereinabove and also other submissions which the petitioner may make. It is expected that the Deputy Commissioner of Customs, Air Cargo Complex, Ahmedabad, will decide the representation of the petitioner expeditiously within outer limit of six weeks from today. With the aforesaid directions, the present petition is disposed of. Rule is made absolute to the aforesaid extent only with no order as to costs.

(D.M.Dharmadhikari, C.J.)

(Ravi R.Tripathi, J.)
(sunil)